

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANNY MERTSOCK,

Plaintiff,

v.

SHINGLEHOUSE BOROUGH
POLICE,

Defendant.

No. 4:20-CV-02208

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

DECEMBER 21, 2020

Plaintiff, awaiting trial in the Court of Common Pleas of Potter County, filed the instant action on October 27, 2020.¹ The case was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”² Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.³

On November 30, 2020, Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation.

Magistrate Judge Carlson recommended that Plaintiff’s complaint be dismissed

¹ Doc. 8 at 1.

² 28 U.S.C. 636(b)(1)(B).

³ 28 U.S.C. 636(b)(1).

with prejudice because it fails to state a claim.⁴ The complaint “consists of a single-page, one-paragraph pleading that describes [Plaintiff’s] displeasure with the pending case in a fashion that lacks content, context, or factual continuity.”⁵ As Magistrate Judge Carlson put it, “the plaintiff’s complaint is, on its face, fundamentally flawed in multiple and profound ways that cannot be remedied.”⁶

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”⁷ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁸

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

⁴ Doc. 8 at 17-18.

⁵ *Id.* at 1.

⁶ *Id.* at 17.

⁷ Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁸ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation, Doc. 8, is **ADOPTED in full**.
2. Plaintiff's Complaint, Doc. 1, is **DISMISSED WITH PREJUDICE**.
3. The Clerk of Court is directed to **CLOSE** the case file.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge